THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.24606 OF 1995

DATED: 26.9.2006

BETWEEN:

N.Abhishekam and others … Petitioners.

And

APSRTC., rep., by its
Managing Director, Hyderabad
And others.
… Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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ORDER:

The petitioners in the present writ petition seek a writ of mandamus declaring the action of the respondents in not absorbing /appointing the regular cleaners/helpers and for a consequential direction to them to absorb/appoint the petitioners as cleaners/helpers in accordance with the guidelines and circulars issued by the respondents from the date of their initial appointment.

The petitioners claim that they are appointed as casual sweepers/ office boys in the respondent No.3 depot. Their grievance is that despite passage of 15 years time, their services are not regularized though they are continuously engaged for all these years. This Court while admitting the writ petition granted interim direction to continue the petitioners in service. Later on in W.P.M.P.No.30268 of 1995 this Court directed the respondents to consider the case of the petitioners for their regularization and pass appropriate orders within one month from the date of receipt of the copy of the order. Pursuant to the said direction, Regional Manager, Anantapur, of A.P.State Road Transport Corporation issued proceedings dated 30.4.1997 wherein the claim of the petitioners for regularization was rejected. It has been mentioned in the said proceedings that the petitioners failed to show that they were appointed on the strength of any written orders or that any written instructions were issued entrusting them to carry out the works which the petitioners claim to be attending to. It is also stated in the said proceedings that there is no regular work at the place where

the petitioners claim to work necessitating the respondents to recruit the workman on regular basis apart from there being no provision for appointment of Office Boys at Bangalore point. It is also mentioned that the qualification for the post of Cleaner is ITI and the qualification for the post of conductor is S.S.C., and that none of the petitioners possess the qualifications for either of the two posts. On the strength of these reasons the petitioners' claim for regular appointment has been rejected. Learned counsel for the petitioners state that the said proceeding has not been questioned by the petitioners. I am of the view that unless the petitioners successfully challenge the said proceedings wherein their claims for regularization have been rejected, no relief can be granted in this writ petition.

For the afore mentioned reasons, this writ petition is liable to be dismissed. However, it is left open to the petitioners to question the proceedings No.LC1/785(136)/95-RM-A, dated 30.4.1997 of the Regional Manager, A.P.S.R.T.C., Anantapur.

The writ petition is accordingly dismissed.

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26.9.2006

mdaa